

Introduced by Senator Poochigian

February 22, 2005

An act to amend ~~Section~~ *Sections 47605.8* 47613 of, and to add Section 47605.4 to, the Education Code, relating to charter schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 844, as amended, Poochigian. Charter schools: chartering authority.:

~~The~~

(1) The existing Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning.

This bill would, notwithstanding any other provision of law, permit the chancellor of a campus of the University of California, the president of a campus of the California State University, or the governing board of a community college district to propose to the State Board of Education for approval a petition submitted to establish a charter school within the county in which that campus or community college district is located.

The bill would require the chartering authority to oversee the charter school, and would specify the oversight duties of that entity. The bill would require a charter school approved pursuant to these provisions to provide its chartering authority with funding for supervisorial oversight in accordance with existing law.

~~This~~

(2) *Existing law grants authority to the State Board of Education to approve a petition for the operation of a state charter school that may operate at multiple sites throughout the state. Existing law prohibits the state board from approving such a petition unless it finds that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or in only one county.*

This bill would, notwithstanding the latter provision, allow parents and guardians to apply directly to the state board for the establishment of a state charter school at the existing schoolsite for schools meeting one or more of several specified conditions.

This bill would provide that these provisions do not prohibit an existing charter school approved by a chartering authority from being included in a petition to establish a state charter school.

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47605.4 is added to the Education
2 Code, to read:

3 47605.4. (a) Notwithstanding any other provision of law, the
4 chancellor of a campus of the University of California, the
5 president of a campus of the California State University, or the
6 governing board of a community college district may propose to
7 the State Board of Education for approval a petition to establish a
8 charter school within the county in which that entity maintains a
9 campus.

10 (b) The State Board of Education shall review each proposal
11 submitted pursuant to subdivision (a) and either approve or deny
12 the proposal. By July 1, 2006, the State Board of Education shall
13 develop criteria to be used for the review and approval of charter
14 school petitions presented to the State Board of Education
15 pursuant to this section.

16 (c) A petition submitted pursuant to this section shall comply
17 with the procedures and requirements contained in Chapter 2
18 (commencing with Section 47605) and Chapter 3 (commencing
19 with Section 47610). For the purposes of this section, all

references to “governing board” in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610) mean the chartering authorities identified in this section and all references to “school district” in those chapters mean the county in which the charter school will be located.

(d) Each chartering authority specified in this section is responsible for supervising and overseeing each charter school that it approves, and shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607.

(e) Each charter school approved pursuant to this section shall provide its chartering authority with funding for supervisorial oversight in accordance with subdivision (c) of Section 47613.

(f) This section does not apply to the University of California, unless the Regents of the University of California adopt a resolution making it applicable.

SEC. 2. Section 47605.8 of the Education Code is amended to read:

47605.8. (a) (1) A petition for the operation of a state charter school may be submitted directly to the State Board of Education, and the board shall have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state. ~~The~~

(2) ~~The~~ State Board of Education shall adopt regulations, pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) for the implementation of this section. Any regulations adopted pursuant to this section shall ensure that a charter school approved pursuant to this section meets all requirements otherwise imposed on charter schools pursuant to this part, except that a charter school approved pursuant to this section ~~shall~~ *is not* be subject to the geographic and site limitations otherwise imposed on charter schools.

(3) *This section does not prohibit an existing charter school approved by a chartering authority from being included in a petition to establish a state charter school.*

(b) The State Board of Education may not approve a petition for the operation of a state charter school under this section unless the State Board of Education finds that the proposed state charter school will provide instructional services of statewide

benefit that cannot be provided by a charter school operating in only one school district, or ~~only~~ in *only* one county. The finding of the board in this regard shall be made part of the public record of the board's proceedings and shall precede the approval of the charter.

(c) *Notwithstanding subdivision (b), parents or guardians, or both, may apply directly to the State Board of Education for the establishment of a state charter school and, upon approval by the state board, establish a charter school at the existing schoolsite if the school meets any of the following conditions:*

(1) *The school is in the fourth or fifth consecutive year of failing to demonstrate adequate yearly progress under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).*

(2) *The school is in the Immediate Intervention/Underperforming Schools Program and has been designated a state-monitored school pursuant to Section 52055.5.*

(3) *The school is in the High Priority Schools Grant Program and has failed to meet its growth targets or to demonstrated significant growth pursuant to Section 52055.650.*

(d) The State Board of Education may, as a condition of charter petition approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report on; the operations of the charter school. The State Board of Education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the State Board of Education.

~~(d)~~

(e) The State Board of Education shall not be required to approve a petition for the operation of a statewide charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6.

~~SEC. 2.~~

SEC. 3. Section 47613 of the Education Code is amended to read:

47613. (a) Except as set forth in subdivision (b), a chartering agency may charge a charter school for the actual costs of

1 supervisory oversight of the charter school an amount not to
2 exceed 1 percent of the revenue of the charter school.

3 (b) A chartering agency may charge a charter school for the
4 actual costs of supervisory oversight of the charter school an
5 amount not to exceed 3 percent of the revenue of the charter
6 school if the charter school is able to obtain substantially rent
7 free facilities from the chartering agency.

8 (c) A local agency that is given the responsibility for
9 supervisory oversight of a charter school, pursuant to paragraph
10 (1) of subdivision (k) of Section 47605, may charge for the actual
11 costs of supervisory oversight, and administrative costs
12 necessary to secure charter school funding. A charter school that
13 is charged for costs under this subdivision may not be charged
14 *for costs* pursuant to subdivision (a) or (b).

15 (d) This section does not prevent the charter school from
16 separately purchasing administrative or other services from the
17 chartering agency or any other source.

18 (e) For the purposes of this section, a chartering agency means
19 a school district, county department of education, the University
20 of California, the California State University, community college
21 district, or the State Board of Education, that granted the charter
22 to the charter school.

23 (f) For the purposes of this section, “revenue of the charter
24 school” means the general purpose entitlement and categorical
25 block grant, as defined in subdivisions (a) and (b) of Section
26 47632.

27 ~~SEC. 3.~~

28 *SEC. 4.* This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety
30 within the meaning of Article IV of the Constitution and shall go
31 into immediate effect. The facts constituting the necessity are:

32 In order for the University of California, the California State
33 University, and a community college district to approve charter
34 schools, it is necessary for this act to take effect immediately.